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LILIA OLSEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael Wayne GRAHAM and Robert  
Norman RICE

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: SYNTHETIC GENES AND GENETIC  
CONSTRUCTS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents marked with an asterisk (\*) were previously submitted in Information Disclosure Statements and/or Office Actions, directed to the related applications Serial Number 10/346,853 filed January 17, 2003, Serial Number 09/997,905 filed November 30, 2001, Serial Number 09/646,807 filed December 5, 2000, and Serial Number 09/100,812 filed June 19, 1998 (now Letters Patent No. 6,573,099 issued June 3, 2003), and, accordingly, copies are not included

herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☒ **With the application; accordingly, no fee or separate requirements are required.**
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \* is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

**Serial No.: Not Yet Assigned**

**Docket No. 546322000302**

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **546322000302**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 15, 2004

Respectfully submitted,

By: 

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<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number <b>546322000302</b>	Application Number <b>Not Yet Assigned</b>
Applicant <div style="text-align: center;">Michael Wayne GRAHAM and Robert Norman RICE</div>		
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Mailing Date <b>January 15, 2004</b>		

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	3.	2/1/1994	* 5,283,184	Jorgensen			
	4.	12/10/1996	* 5,583,021	Dougherty			
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	6.	2/3/1998	* 5,714,323	Ohshima et al.			
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	8.	1/14/2003	* 6,506,559	Fire et al.			
	9.	7/4/2002	* 2002/0086356 A1	Tuschl et al.			
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	11.	2/6/2003	* 2003/0027783 A1	Zernicka-Goetz			

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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	12.	9/15/1993	* EP 0560156	EP			
	13.	10/21/1997	* EP 0242016	EP			
	14.	6/9/1999	* EP 0921195	EP			
	15.	8/7/2002	* EP 1229134	EP			
	16.	10/18/1990	* WO 90/11682	WIPO			
	17.	9/2/1993	* WO 93/17098	WIPO			
	18.	11/25/1993	* WO 93/23551	WIPO			
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	22.	1/23/1997	* WO 97/01952	WIPO			
	23.	8/20/1998	* WO 98/36083	WIPO			

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<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>		Docket Number <b>546322000302</b>	Application Number <b>Not Yet Assigned</b>
		Applicant  Michael Wayne GRAHAM and Robert Norman RICE	
		Filing Date <b>Concurrently Herewith</b>	Group Art Unit <b>Not Yet Assigned</b>
		Mailing Date <b>January 15, 2004</b>	
	123.	* Tanzer, M.M., et al. (1997), "Characterization of Post-Transcriptionally Suppressed Transgene Expression that Confers Resistance to Tobacco Etch Virus Infection in Tobacco", The Plant Cell 9(8): 1411-1423.	
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